

## **Chapter 10**

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**Part 1****Grass and Weeds****§10-101. Noxious Weeds; Nuisances.**

1. No person, firm, or corporation owning or occupying any property within the Borough of Mount Pleasant shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 10 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds, or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.

2. The following is a list of noxious weeds recognized by the Pennsylvania Department of Agriculture under §3(b) of the Noxious Weed Control Law, 3 P.S. §255.3(b). (See 7 Pa.Code §110.1.)

- A. Marijuana.
- B. Lythrum salicaria complex.
- C. Canadian thistle.
- D. Multiflora rose.
- E. Johnson grass.
- F. Musk thistle.
- G. Bull thistle.
- H. Jimson weed.
- I. Mile-a-minute weed.
- J. Kudzuvine.
- K. Shattercane.
- L. Giant Hogweed.
- M. Goatsrue.

(*Ord. 325*, 11/5/1956, §1; as amended by *Ord. 624*, 1/19/2010)

**§10-102. Encroachment Upon Adjoining Properties; Interference.**

No person, firm, or corporation owning or occupying any property within the Borough of Mount Pleasant shall permit any trees, hedges, bushes, or shrubbery, of whatsoever kind or nature, to row or remain upon such premises or in the area between the sidewalk and curb abutting such premises so as to encroach upon the adjoining sidewalks, streets, highways, or alleys in such manner as to interfere with pedestrians or vehicular traffic lawfully using such sidewalks, streets, highways, or alleys, or in such manner as to restrict the clear view of vehicular traffic using such streets, highways, or alleys. Any trees, hedges, bushes, or shrubbery growing upon any premises in the Borough of Mount Pleasant or in the area between any sidewalk and

curb abutting any such premises, in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, welfare and safety of the inhabitants of the Borough of Mount Pleasant.

*(Ord. 325, 11/5/1956, §2)*

**§10-103. Vacant Premises; Owner's or Occupant's Duty.**

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of §10-101 of this Chapter.

*(Ord. 325, 11/5/1956, §3)*

**§10-104. Clearing of Premises; Requirements.**

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all trees, hedges, bushes, or shrubbery of whatsoever kind or nature growing or remaining upon such premises or in the area between the sidewalk and the curb abutting such premises in violation of the provisions of §10-102 of this Chapter.

*(Ord. 325, 11/5/1956, §4)*

**§10-105. Enforcement; Notice to Cut or Trim.**

The Mayor, or any officer or employee of the Borough of Mount Pleasant designated hereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation or trees, hedges, bushes, or shrubbery is growing or remaining in violation of the provisions of this Chapter, directing and requiring such owner or occupant to remove, trim, or cut such grass, weeds, or vegetation or trees, hedges, bushes, or shrubbery, so as to conform to the requirements of this Chapter, within 5 days after issuance of such notice. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim, or cut such grass, weeds, or vegetation or trees, hedges, bushes, or shrubbery, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm, or corporation in the manner provided by law.

*(Ord. 325, 11/5/1956, §5)*

**Part 2****Vector Control****§10-201. Definitions.**

As used in this Part, terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Accessory structure* - a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

*Breeding area* - any condition, which provides the necessary environment for the birth or hatching of vectors.

*Collection of water* - water contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.

*Covered receptacle* - a container of metal, wood, heavy-duty plastic or synthetic material of solid construction with a tight-fitting cover secured against wind and leakage.

*DEP* - Department of Environmental Protection, Commonwealth of Pennsylvania. [Ord. 624]

*Dilapidated* - fallen into partial ruin or decay.

*Disposal* - storage, collection, disposal, or decay.

*Extermination* - the control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or State authority having such administrative authority.

*Garbage* - all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food.

*Harborage* - any place where vectors can live, nest, or seek shelter.

*Occupant* - any person, over 1 year of age, living, sleeping, cooking, or eating in or actually having possession of a dwelling unit or a rooming unit; in dwelling units a guest will not be considered an "occupant."

*Owner* - any person who, alone or jointly or severally with others, shall have:

(1) Legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof.

(2) Charge, care, or control of any premises, dwelling, or dwelling unit, as owner or agent of the owner or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the

owner.

*Person* - any natural person, firm, partnership, association, or corporation.

*Refuse* - all solid wastes, except human body wastes, and including handling of refuse.

*Rubbish* - glass, metal, paper, plant growth, wood, or nonputrescible solid waste.

*Vector* - a rodent, arthropod, or insect capable of transmitting a disease or infection, including but not limited to rats, mosquitoes, cockroaches, flies, and ticks.

*Vector-proofing* - a form of construction to prevent ingress or egress of vectors to or from a given space or building or gaining access to food, water, harborage, including but not limited to, ratproofing, flyproofing, and mosquito-proofing.

(Ord. 523, 5/5/1986, §1; as amended by Ord. 624, 1/19/2010)

### **§10-202. Prohibited Acts.**

It shall be unlawful:

A. For any person to deposit or to knowingly permit any person acting as agent, employee, or servant of said person to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, or premises or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter, or into any of the waters of the Commonwealth so that the same shall or may afford food, harborage, or breeding areas for vectors.

B. For any person to deposit or permit to accumulate in or upon any premises, improved or vacant, or on any open lot or alley any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster or rubbish of any kind, unless the same may be kept in covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked, or unless disposed of in a manner approved by DEP.

C. To maintain a junkyard or a place for the dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, in such a manner as to afford harborages or breeding areas for vectors.

D. To store refuse in containers other than covered receptacles, which shall be kept clean by rinsing and draining as often as necessary so as not to provide food or breeding areas for vectors.

E. To dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.

F. To collect, haul, transport, or convey garbage in open, unenclosed, nonleakproof vehicles.

G. To construct, maintain, or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.



H. To have, keep, maintain, cause, or permit any collection of standing or flowing water, except for agricultural or industrial purposes, in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

(*Ord. 523, 5/5/1986, §2*)

**§10-203. Responsibilities of Owners and Occupants.**

1. No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the Commonwealth of Pennsylvania and the Borough of Mount Pleasant.

2. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

3. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

4. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

5. Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, and any other organic waste which might provide food for insects and/or rats, in a clean, sanitary and safe manner. Ratproof, insect-proof, watertight refuse containers shall be used for storage pending collection.

6. Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities or refuse containers.

7. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of vectors on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

8. No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.

9. No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or

permitted to be stored by the owner shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.

10. No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rats in a site accessible to rats. (*Ord. 523, 5/5/1986, §3*)

**§10-204. Vector-proofing.**

1. Any dwelling, building, structure, accessory structure, premises, or any other place shall be required to be vector-proofed when found to promote harborage or breeding areas for vectors by the Code Enforcement Officer of the Borough of Mount Pleasant. He shall give at least 5 days notice to the owner of such premises to either alleviate the problem or request a hearing with the Borough Council of the Borough of Mount Pleasant. If a hearing is requested, the property owner, the Code Enforcement Officer and any aggrieved resident of said Borough may appear to present evidence and to cross-examine witnesses. The Borough Council shall make a decision within 5 days of the hearing, and written notice will be sent to the owner and all interested parties.

2. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, or any other person to remove and fail to restore in like condition the vector-proofing from any building, structure, or accessory structure for any purpose.

(*Ord. 523, 5/5/1986, §4*)

**§10-205. Private Programs.**

A program plan and specifications for private vector control programs shall be required to be submitted by the owner to the Code Enforcement Officer upon determination of the necessity by the Vector Control Program Director. Said determination shall be served on the owner personally or by certified mail. Within 5 days of said service, the owner may contest the necessity of the program by requesting a hearing to be conducted in accordance with §10-204 of this Chapter. Said program plan shall be submitted by the owner to the Code Enforcement Officer within 5 days of notice. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, if any, and any and all work to be conducted in an effort to control said vectors. The Vector Control Program Director shall review the program plan and, if the plan is found to be inadequate or incomplete, additional information may be required as well as additional control methods. The owner may request a hearing on the Director's determination in accordance with §10-204 of this Part.

(*Ord. 523, 5/5/1986, §5*)

**§10-206. Authority.**

1. From and after passage of this Part, the Borough of Mount Pleasant and/or a representative of the vector control program is empowered to make periodic inspections of the interior and exterior of all dwellings, buildings, structures, and accessory structures, premises, collections of water or any other places to determine full compliance with this Part and to determine evidence of vector infestation and the need for vector-proofing or additions or repairs to existing vector-proofing.

2. Whenever it shall be determined by the Borough of Mount Pleasant that any

dwelling, building, structure, accessory structure, premises, collection of water, or any other place is in violation of this Part, a notice shall be issued setting forth the alleged violation(s) and advising the owner, occupant, operator, or agent that such violation(s) must be corrected. The time for the correction of said violation(s) must be given, as well as the necessary methods to be employed in the correction.

3. Whenever any violation(s) shall fail to be corrected within the time set forth and an extension of time is not deemed to be necessary, the Borough may proceed to abate the violation(s) in the manner provided by law.

4. The owner shall have the right to appeal from said determination by a hearing in accordance with §10-204.

*(Ord. 523, 5/5/1986, §6)*

#### **§10-207. Violations and Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 523, 5/5/1986, §7; as amended by Ord. 624, 1/19/2010)*

#### **§10-208. Enforcement.**

The Code Enforcement Officer of the Borough of Mount Pleasant is hereby designated as the Vector Control Program Director and authorized to implement the inspection and enforcement provisions of this Part.

*(Ord. 523, 5/5/1986, §8)*



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**Part 3****Alarm Systems****§10-301. Purpose.**

Although an alarm system is important as a deterrent to unlawful entry, the frequency of alarms and, particularly, malfunctioning or false alarms place upon the Police Department additional duties; and, further, frequent response by the police for false alarms creates even additional duties and requires further expense. Now, therefore, based upon these considerations, the purpose of this Part is to impose certain requirements upon alarm subscribers and to require the payment of certain fees due to the additional duties required of the Police Department.

(Ord. 517, 5/6/1985, §2)

**§10-302. Applicability.**

This Part shall apply to all business, industrial and residential premises within the Borough of Mount Pleasant having an alarm system, as defined herein, and further to all business, industrial and residential premises outside the Borough of Mount Pleasant who voluntarily enter into an agreement to have an alarm system monitored by said Borough.

(Ord. 517, 5/6/1985, §2)

**§10-303. Definitions.**

As used in this Part, unless the context otherwise requires, the following terms shall have the meanings indicated:

*Person* - natural person, company, association, firm, partnership or corporation.

*Alarm system* - device designed for the detection of any unauthorized entry on the premises, unlawful act, or emergency that, when actuated, gives a signal, either visual, audible, or both, or transmits or causes to be transmitted a signal, as a result of which the Police Department is alerted either by an alarm signal at the police station or by receipt of a telephone message.

*False alarm* - alarm signal that alerts the Police Department which is not the result of an actual or threatened emergency requiring their immediate response, including negligently or accidentally activated signals, signals which are the result of faulty malfunctioning or improperly installed or maintained equipment, signals which are purposely activated to summon police, fire or emergency services for nonemergency situations and alarm signals for which the actual cause is not determined.

*Police Department* - the Mount Pleasant Borough Police Department and its officers.

(Ord. 517, 5/6/1985, §2)

**§10-304. User's Permit.**

1. *Permit Required.* Any person using or desiring to use an alarm system

monitored by the Police Department shall, within 30 days of the effective date of this Part, file an application with the Chief of Police for a numbered or coded alarm user permit for each system in use; and thereafter no person shall install or use an alarm system without having applied for and been issued a current and valid user permit. A separate permit shall be required for each protected location. Should the subject premises of any alarm system change ownership, the new owners shall apply for a new permit.

2. *Applications.* The alarm user's permit application shall contain the following information:

- A. The applicant's name, address, and telephone number.
- B. The address of the residence or business in or upon which the alarm system has been or shall be installed.
- C. Type of alarm system installed or to be installed and name of the primary manufacturer of its major components.
- D. Date of installation of the alarm system.
- E. The names and address of the alarm business, seller, or installer which shall service or monitor the alarm system.

3. *Permit Fee.* Users shall pay such connection and annual fees as the Borough Council shall set by resolution from time to time. Persons selling, leasing, or otherwise supplying automatic protection devices and persons servicing or repairing such devices shall obtain a permit from the Chief of Police. The Borough Council may set permit fees and adopt regulations to implement this Part from time to time. Any annual fee shall be due and payable by February 1 of each year, except that in the case of installation of a new system the fees shall be due and payable within 30 days after the date of installation. Further, in the event that application is made after July 1 of any year, the fees shall be one-half of the established annual fee, but there shall be no other proration of the annual fee.

4. *Expiration Date.* Alarm user permits shall automatically terminate and expire on December 31 next following issuance of the permit but shall be renewed upon payment of the permit fee.

5. *Revocation.* Should any alarm system user fail to obtain an alarm user permit or should a permit user fail to make payment of any false alarm penalty, then, in addition to the penalties prescribed in this Part, service shall be revoked and the Police Department will not respond to any alarm from such user.

(Ord. 517, 5/6/1985, §2)

### **§10-305. Direct-Line Alarms.**

Any person may have a direct line to the Mount Pleasant police station and have a connection made to an alarm terminal provided by the Borough, however, the cost of making the connection or installation at the Mount Pleasant police station will be the sole responsibility of the alarm system user or alarm installer, and payment for the actual cost of installation shall be made to the Borough prior to such connection or installation. Alternatively, however, the alarm system user may simply have the Police Department notified of an alarm by telephone.

(Ord. 517, 5/6/1985, §2)

**§10-306. Alarm Company Reporting Requirements.**

All persons in the business of installing, maintaining, or operating alarm systems within the Borough of Mount Pleasant shall, within 30 days of the effective date of this Part, provide to the Chief of Police a complete list of all alarm systems subscribers on a form provided by the Chief of Police. The data to be included on such form shall include the name and address of the user, the location of the alarm, the type of system installed and the date of installation. Thereafter, upon the installation of any alarm system, each person installing such alarm shall provide the foregoing information to the Chief of Police.

(*Ord. 517, 5/6/1985, §2*)

**§10-307. Repeated False Alarms.**

No person owning, using, or possessing an alarm system shall cause or permit the giving of repeated false alarms, whether intentional, accidental, or otherwise.

(*Ord. 517, 5/6/1985, §2*)

**§10-308. False Alarm Penalties.**

For the fifth and all subsequent false alarms occurring from each alarm system during any calendar year, the permit holder of that alarm system shall pay to the Borough of Mount Pleasant a penalty of \$25 for each such false alarm.

(*Ord. 517, 5/6/1985, §2*)

**§10-309. Inspections.**

For the purpose of enforcing this Part, it shall be a condition to install and maintain an automatic protection device that the Code Enforcement Officer, the Chief of Police, or the Fire Chief may enter upon a user's premises within the Borough, at such reasonable times and upon reasonable notice, to inspect the installation or operation of an automatic protection device. Each user shall cooperate with such officials in every reasonable manner to permit such inspections.

(*Ord. 517, 5/6/1985, §2*)

**§10-310. Violations and Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 517, 5/6/1985, §2; as amended by Ord. 624, 1/19/2010*)





**Part 4****Storage of Vehicle and Equipment Nuisances****§10-401. Nuisances.**

1. The unsheltered storage of unused, stripped, junked, wrecked, or otherwise unusable automobiles or other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured (hereinafter referred to as "personalty") for a period of 30 days or more (except in places where a junkyard business is regularly conducted) within the corporate limits of the Borough of Mount Pleasant shall be deemed a nuisance, dangerous to the public health and safety.

2. *Physical Defects.*

A. The following is a list of physical defects of junked or abandoned motor vehicles which cause them to be or become nuisances:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage.
- (4) Any body parts with sharp edges including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Broken head lamps or tail lamps with sharp edges.
- (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- (9) Protruding sharp objects from the chassis.
- (10) Broken vehicle frame suspended from the ground in an unstable manner.
- (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- (12) Exposed battery containing acid.
- (13) Inoperable locking mechanism for doors or trunk.
- (14) Open or damaged floor boards including trunk and fire wall.
- (15) Damaged bumpers pulled away from the perimeter of vehicle.
- (16) Broken grill with protruding edges.
- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.
- (19) Suspended on unstable supports.

(20) Such other defects which could threaten the health, safety, and welfare of the citizens of the Borough.

[*Ord. 624*]

B. The following is a list of physical defects which cause junked or abandoned equipment and/or other items to be or become nuisances:

- (1) Broken glass or metal parts with sharp or protruding edges.
- (2) Containers which are conducive to the harboring and growth of vermin or animals.
- (3) Storage in any manner which would allow the equipment, machinery, material, or any parts thereof to easily shift, tilt, or fall from its original storage position.
- (4) Containers of any liquid or material of a hazardous or potentially hazardous nature, including, but not limited to, gasoline, oil, battery acids, refrigeration agents, and poisons.
- (5) Refrigerators with the doors remaining attached.

[*Ord. 624*]

(*Ord. 404, 9/3/1968, §1; as amended by Ord. 624, 1/19/2010*)

#### **§10-402. Abatement of Nuisances by Owners.**

The owner, owners, tenants, lessees, and/or occupants of any parcel of real estate within the Borough limits of the Borough of Mount Pleasant, upon which there is storage of personalty as defined in §10-401 hereof, shall jointly and severally be responsible for the abatement of the nuisance created by said personalty and shall, upon notification by the Borough of Mount Pleasant or otherwise, remove said personalty to a location outside of the corporate limits of the Borough of Mount Pleasant.

(*Ord. 404, 9/3/1968, §2*)

#### **§10-403. Violations and Penalties.**

Upon failure of the owner or owners, tenants, lessees, occupants, or persons otherwise responsible for the nuisance described in §10-401 hereof to remove the same after notification by the Borough such persons, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 404, 9/3/1968, §3; as amended by Ord. 624, 1/19/2010*)

#### **§10-404. Abatement by Borough.**

In addition to the penalties herein provided, the Borough of Mount Pleasant shall have the right and privilege to remove said personalty to a location of its selection for storage. The Borough shall notify the last known owner or owners of the personalty removed that the same has been placed in storage and shall be sold after the expiration of 30 days if removal and storage charges are not paid by the responsible owner or owners. In the event that such personalty has been placed in storage by the Borough,

said personalty shall be sold by the Borough for payment of removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owners of such personalty shall be liable to the Borough of Mount Pleasant for the balance of the costs jointly and severally to be recovered in a suit of law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid said owner or owners or deposited in the Borough treasury for its use.

*(Ord. 404, 9/3/1968, §4)*

**§10-405. Municipal Claim of Record.**

Notwithstanding any other provision hereof, the Borough of Mount Pleasant may file a municipal claim of record against the owner or owners of the premises from which said personalty is removed for the cost of removal if the cost of removal and storage is in excess of the proceeds received at the sale thereof.

*(Ord. 404, 9/3/1968, §5)*



**Part 5****Dispensing of Gasoline and Other Flammable Liquids****§10-501. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Customer* - any person, firm or corporation who or which shall receive flammable products whether by retail sale or any other method from any retail filling station or service station.

*Full service* - the retail filling station or service station shall provide an attendant who shall be available to pump or dispense gasoline or other flammable liquids for customers who desire to use the services of such attendant.

*Retail filling station or service station* - any place in the Borough of Mount Pleasant where pumps or other dispensing services are available for the dispensing of gasoline or other flammable liquids for sale to the public or for the dispensing of such materials to more than 15 persons, users or vehicles per day.

(Ord. 631, 9/19/2011, §1)

**§10-502. Dispensing of Gasoline or Other Flammable Liquids.**

Retail filling stations and service stations shall be permitted to offer self-service pumps so that customers can dispense gasoline or other flammable liquids into their vehicles or approved containers without the assistance or direct supervision of the owner or operator of the service station. At least 2 days per week, the owner or operator of a retail filling station or service station shall offer full service and provide a trained attendant to conduct the dispensing of gasoline and other flammable liquids upon request of any customer.

(Ord. 631, 9/19/2011, §1)

**§10-503. Posting of Signs.**

Every retail filling station or service station located in the Borough of Mount Pleasant shall at all times have posted at conspicuous locations on the premises at least two signs of a minimum size of 48 inches by 36 inches with lettering not less than a uniform size of 4 inches in height clearly indicating which days of the week the station provides the option of full service dispensing of gasoline and other flammable liquids, in the following form: "FULL SERVICE AVAILABLE UPON REQUEST ON [DAY OF WEEK] AND [DAY OF WEEK]."

(Ord. 631, 9/19/2011, §1)

**§10-504. Violations and Penalties.**

Any person, firm or corporation who shall violate the provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues and each violation of each Section of this Part shall constitute a separate offense.

(*Ord. 631, 9/19/2011, §1*)

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**Part 6****Dangerous Structures****§10-601. Report of Dangerous Condition; Investigation.**

Whenever it shall be reported to the Code Enforcement Officer that any structure, completed or in process of construction, or any portion thereof, is in a dangerous condition, the Code Enforcement Officer shall immediately cause an investigation and examination to be made of such structure. Such notice shall require the owner of such structure to commence the repair or removal of such building within 10 days of such notice and to complete such repair or removal within 90 days thereof. Provided, in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure instead of making repairs thereto, within the said time limit.

*(Ord. 399, 6/3/1968, §1)*

**§10-602. Service of Notice.**

The notice required by §10-601 of this Part shall be served personally upon the owner of a structure, if such owner resides in the Borough, or upon the agent of such owner, if such agent has a residence or place of business within the Borough. If neither the owner nor the agent thereof can be served within the Borough as hereby provided, such notice shall be sent to the owner of such structure by registered mail, at the last known address thereof.

*(Ord. 399, 6/3/1968, §3)*

**§10-603. Failure to Repair, Penalty.**

If the owner of any dangerous structure, to whom or which a notice to repair or remove such structure shall be sent under the provisions of this Part, fails to commence or to complete such repair or removal within the time limit prescribed by such notice, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 399, 6/3/1968, §4; as amended by Ord. 624, 1/19/2010)*

**§10-604. Mayor Empowered to Repair at Owner's Expense.**

If the owner of any dangerous structure, to whom or which a notice to repair or remove such structure shall be sent under the provisions of this Part, fails to commence or to complete such repair or removal within the time limit prescribed by such notice, the Mayor shall be empowered to cause such work or repair or removal to be commenced and/or completed by the Borough, and the cost and expense thereof, with a penalty of 10 percent shall be collected from the owner of such structure in the manner provided by law. Provided, the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed as provided in §10-603 of this Part.

(*Ord. 399, 6/3/1968, §5*)



**Part 7****Stagnant Water Pools****§10-701. Definitions.**

As used in this Part, certain terms are defined as follows:

*Borough* - Borough of Mount Pleasant.

*Stagnant water pool* - stagnant water in pools in which mosquitos, flies or other insects may multiply, including, but not limited to, open containers, sewage lagoons, ditches, roof gutters, wheelbarrows, bird baths, ornamental pools, swimming pools, vegetation weeds, and grass in excess of 8 inches in height (except as may be otherwise provided in wetlands and environmental ordinances and Statutes).

*Premises* - a lot, plot, or parcel of land including any structures thereon.

*Structure* - that which is built or constructed or a portion thereof.

*Titled owner*- any person, firm, partnership, or corporation having legal title or equitable interest in a structure and/or premises as recorded in the official records of the State, County, or Borough; or guardian of the estate of any such person, or the executor or administrator of the estate of such person if in possession of real property as a fiduciary or heir.

(Ord. 595, 11/3/2003, §1)

**§10-702. Stagnant Water Pool Declared to be Public Nuisance.**

Any stagnant water pool:

- A. Is detrimental to the safety and welfare of the public.
- B. Creates a public health risk/hazard in light of the West Nile virus problem.
- C. Shall be deemed a public nuisance constituting a violation of this Part.

(Ord. 595, 11/3/2003, §2)

**§10-703. Unlawful to Permit or Maintain a Stagnant Water Pool.**

It shall be unlawful for any titled owner to permit or maintain a stagnant water pool upon any premises or structure as defined herein in the Borough and upon conviction for a violation thereof shall be subject to the penalties provided under this Part.

(Ord. 595, 11/3/2003, §3)

**§10-704. Enforcement.**

The Borough Code Enforcement Officer shall enforce this Part.

(Ord. 595, 11/3/2003, §4)

**§10-705. Compliance Notice; Appeal.**

1. Whenever a violation of this Part is found or believed to exist, the enforcement

official shall give written notice to the titled owner personally, or by mail addressed to him/her at his/her last known address, or by posting said written notice thereof upon the premises involved.

2. Required notice shall identify the premises, specifically state the reason why notice is being issued with relevant section(s) of the Part, include a correction order allowing a reasonable time to achieve compliance with this Part, and set forth that any appeal must be in writing to the Borough Secretary, Etze Avenue, Mount Pleasant, PA 15666, within the time set forth for compliance. Failure to timely request an appeal in writing will be deemed a waiver of the appeal.

(*Ord. 595, 11/3/2003, §5*)

**§10-706. Work by Borough, Costs to be Filed as Lien.**

Upon failure, neglect, or refusal of any titled owner so notified to comply with any and all applicable sections of this Part, the enforcement official is authorized to prepare appropriate work orders for performance of work by authorized Borough employees or contracted workers to effect compliance and abatement of any nuisance on the subject premises, including entry onto private property. After said compliance work is completed, statements for work performed, shall be prepared by the Borough Secretary. Said statements shall indicate the description of the premises, titled owner, the cost of work performed, administrative charge, disposal costs, and all other costs, if any, and shall be filed as a lien against the premises affected, and such lien shall continue in force until the full amount thereof, together with interest at the rate of 6 percent per annum, is paid in full.

(*Ord. 595, 11/3/2003, §6*)

**§10-707. Penalty.**

In addition to the lien provided for herein, whoever violates or fails to comply with the provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 595, 11/3/2003, §7; as amended by Ord. 624, 1/19/2010*)

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**Part 8****Noise Nuisance****§10-801. Noise Nuisance.**

It shall be unlawful to operate or to permit to be operated any radio, amplifier, loud speaker, or other mechanical or electrical sound-producing or sound-amplifying device for advertising purposes, whether installed on any vehicle or otherwise operated; to make or to permit to be made any loud, boisterous, unseemly, unnecessary or unreasonable sound or noise disturbing or annoying nearby residents, worshipers, workers or persons on public highways.

*(Ord. 624, 1/19/2010)*

**§10-802. Prohibited Activities.**

Any of the following activities shall be presumed to be a nuisance and subject to violation under the provisions of this Part:

A. Engaging in any construction activity or use or operation of any equipment normally used in construction activities after the hours of 10 p.m. of any given day but before the hour of 6 a.m. of the same day, prevailing time.

B. Any loud noise or music such that the same is discernible across property lines after the hour of 10 p.m. of any given day but before the hour of 6 a.m. of the same day, prevailing time, except for any Borough approved event.

C. Any noise emanating from an industrial facility discernible on a separate property in residential use after the hours of 12 midnight of any given day but before the hour of 7 a.m. of the following day, prevailing time.

*(Ord. 624, 1/19/2010)*

**§10-803. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

*(Ord. 624, 1/19/2010)*



**Part 9****Sex Offender Residency****§10-901. Definitions.**

*Child care facility* - a licensed day care center, child care facility or any other child care service facility which may be exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.

*Common open space* - the area of land and/or water restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for residents of the Borough of Mount Pleasant, which said open space is owned, regulated and/or maintained by the Borough of Mount Pleasant.

*Community center* - a building and related facilities used for educational, social cultural or recreational activities.

*Permanent residence* - a place where a person lives, abides, lodges, or resides for 14 or more consecutive days.

*Public park or recreational facility* - any recreational facility, playground or park, owned or operated by the Borough of Mount Pleasant, or any other governmental agency including, but not limited to, the school district, the County of Westmoreland or the Commonwealth of Pennsylvania.

*School* - any public or private school which provides education services to a minor.

*Sex offender* - any person, over the age of 18 years of age, who has been convicted of any crime against a minor identified in Megan's Law, 42 Pa.C.S.A. §9791 *et seq.*, which includes, but is not limited to, kidnapping, luring a child into a motor vehicle, institutional sexual assault, indecent assault, incest, prostitution, receiving sexual materials, sexual abuse of children, unlawful contact with minors, sexual exploitation of children, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and individuals convicted of any attempt to commit any of the offenses enumerated therein.

*Temporary residence* - a place where a person lives, abides, lodges, or resides for a period of less than 14 days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

(Ord. 624, 1/19/2010)

**§10-902. Residency Restriction/Prohibition.**

1. It shall be unlawful for any sex offender to establish a permanent residence or temporary residence within 1,500 feet of any child care facility, common open space, community center, public park or recreational facility, or school.

2. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or the temporary residence of the sex offender to the nearest outer property line of a child care facility, common open space, community center, public park or recreational facility, or school.

(Ord. 624, 1/19/2010)

**§10-903. Notice to Move.**

Any sex offender who resides in a permanent residence or temporary residence within 1,500 feet of any child care facility, common open space, community center, public park or recreation facility or school shall, within 45 days of receipt of written notice of the sex offender's non-compliance with this Part, move from said location to a new location, but said location may not be within 1,500 feet of any child care facility, common open space, community center, public park or recreation facility or school within the Borough. It shall constitute a continuing violation for each day beyond the 45 days the sex offender continues to reside within 1,500 feet of a child care facility, common open space, community center, public park or recreation facility or school. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the Borough of Mount Pleasant to another that is within 1,500 feet of any child care facility, common open space, community center, public park or recreation facility or school.

(Ord. 624, 1/19/2010)

**§10-904. Exceptions.**

This Part shall not apply to any person who has established permanent or temporary residence prior to the effective date of this Part; and it shall not apply if the child care facility, common open space, community center, public park or recreation facility or school within 1,500 feet of the sex offender's permanent residence or temporary residence was established subsequent to the establishment of the sex offender's permanent residence or temporary residence.

(Ord. 624, 1/19/2010)

**§10-905. Exemptions.**

The provisions of this Part shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by the Borough of Mount Pleasant.

(Ord. 624, 1/19/2010)

**§10-906. Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 624, 1/19/2010)

**§10-907. Enforcement.**

The Borough of Mount Pleasant Police Department shall be charged with the enforcement of this Part.

(Ord. 624, 1/19/2010)

**§10-908. Publication.**

The Borough of Mount Pleasant Manager is herein directed by the effective date of this Part to have prepared and placed on the Borough of Mount Pleasant website a map of the Borough of Mount Pleasant depicting the areas where sex offenders are restricted from residing in a permanent residence or temporary residence.

*(Ord. 624, 1/19/2010)*





**Part 10****Burial of Deceased Persons or Animals****§10-1001. Burial of Deceased Persons or Animals Prohibited, Except in Certain Cemeteries.**

The burial or interment of deceased persons or animals within the limits of the Borough be and the same is hereby forbidden in every part of the Borough, except in any lawfully established cemetery.

*(Ord. 624, 1/19/2010)*

**§10-1002. Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 624, 1/19/2010)*

